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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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22850	7590	01/07/2009	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			CHOWDHURY, NIGAR	
		ART UNIT	PAPER NUMBER	
		2621		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/016,823	HARRADINE ET AL.	
	Examiner	Art Unit	
	NIGAR CHOWDHURY	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 October 2008.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-9,11-58,66-72,76-78 and 81-86 is/are pending in the application.
 4a) Of the above claim(s) 42-56,69-71 and 76-78 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1,3-9,11-41,57,58,66-68,72 and 81-86 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 04 December 2001 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1, 3-9, 11-41, 57-58, 66-68, 72, 81-86 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3-6, 8, 9, 11-17, 22-29, 31, 32, 36-38, 40, 41, 57-58, 66-68, 72, 81-86 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,330,392 by Nakatani et al. in view of US Patent No. 6,532,039 by Eric Anderson.
2. Regarding **claim 1**, Nakatani discloses a media data generation apparatus to generate media data signals, comprising
 - recording unit configured to record media data signals on a recording medium (fig. 17, col. 33 lines 14-col. 34 lines 32),
 - A meta data generation processor configured to generate meta data identifying the content of audio/video signals in response to media data signals in response to media data signals (fig. 36-39, col. 49 lines 24-col. 51 lines 41, fig. 70-77, col. 75 lines 15-col. 84 lines 61),

- A communications processor configured to communicate meta data separately from recording medium (fig. 41, col. 54 lines 12-col. 56 lines 26, fig. 78-95, col. 86 lines 27-67)

Nakatani fails to disclose a camera configured to generate media data signals, wherein meta data generation processor is configured to receive a pre-defined list of takes of media signals to be generated and to generate meta data in association with list of takes, and communications processor is configured to communicate meta data in association with list of takes.

Anderson discloses a camera configured to generate media data signals, wherein meta data generation processor is configured to receive a pre-defined list of takes of media signals to be generated and to generate meta data in association with list of takes, and communications processor is configured to communicate meta data in association with list of takes (fig. 10, col. 8 lines 35-col. 9 lines 60).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Anderson's system to include a camera and pre-defined list of takes, as taught by Anderson, to take a picture of a place wherever user want through a camera to keep a memories and includes a list of description of pictures for future through a pre-defined list of takes.

3. Regarding **claim 3**, Nakatani discloses an apparatus wherein meta data generated by meta data generation processor is at least one picture which is

representative of an image from recorded video signals (col. 57 lines 22-27, col. 74 lines 56-61) and Anderson discloses a camera (fig. 1).

4. Regarding **claim 4**, Nakatani discloses an apparatus wherein meta data processor is configured to associate picture with an address on recording medium at which image is recorded, address forming part of meta data communicated by communications processor (fig. 36-39, col. 49 lines 24-col. 51 lines 41, fig. 70-77, col. 75 lines 15-col. 84 lines 61, fig. 41, col. 54 lines 12-col. 56 lines 26, fig. 78-95, col. 86 lines 27-67) and Anderson discloses a camera (fig. 1).

5. Referring **claim 5**, Nakatani discloses an apparatus wherein meta data are the in and out points of a take of the media data signals (fig. 44, col. 57 lines 21-37, col. 58 lines 40-col. 60 lines 46) and Anderson discloses a camera (fig. 1).

6. Regarding **claim 6**, Nakatani discloses an apparatus wherein meta data includes a unique identification code for identifying the media data signals (fig. 35-39, col. 49 lines 24-col. 51 lines 41) and Anderson discloses a camera (fig. 1).

7. **Claim 8** is rejected for the same reason as discussed in the corresponding claim 6 above.

8. **Claim 9** is rejected for the same reason as discussed in the corresponding claim 1 above.

9. **Claim 11** is rejected for the same reason as discussed in the corresponding claim 3 above.

10. **Claim 12** is rejected for the same reason as discussed in the corresponding claim 4 above.

11. Method **claim 13** is rejected for the same reason as discussed in the corresponding apparatus claim 1 above

12. **Claim 14** is rejected for the same reason as discussed in the corresponding claim 1 above.

13. **Claim 15** is rejected for the same reason as discussed in the corresponding claim 9 above.

14. Regarding **claim 16**, Nakatani discloses an apparatus to generate video signals representative of an image source, comprising

- A recording processor configured to record video signals on a recording medium (fig. 17, col. 33 lines 14-col. 34 lines 32)
- A meta data generation processor configured to receive video signals and to generate at least one sample image which is representative of a video image from recorded video signals, and to associate sample image with an address on recording medium at which video image is recorded. (col. 57 lines 22-27, col. 74 lines 56-61, col. 58 lines 48-59)

Anderson discloses a camera configured to generate media data signals, wherein meta data generation processor is configured to receive a pre-defined list of

takes of media signals to be generated and to generate meta data in association with list of takes, and communications processor is configured to communicate meta data in association with list of takes (fig. 10, col. 8 lines 35-col. 9 lines 60).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Anderson's system to include a camera and pre-defined list of takes, as taught by Anderson, to take a picture of a place wherever user want through a camera to keep a memories and includes a list of description of pictures for future through a pre-defined list of takes.

15. **Claim 17** is rejected for the same reason as discussed in the corresponding claim 5 above.

16. **Claim 22** is rejected for the same reason as discussed in the corresponding claims 1 and 5 above.

17. **Claim 23** is rejected for the same reason as discussed in the corresponding claim 3 above.

18. **Claim 24** is rejected for the same reason as discussed in the corresponding claims 3 and 5 above.

19. **Claim 25** is rejected for the same reason as discussed in the corresponding claim 22 above.

20. Regarding **claim 26**, Nakatani discloses an apparatus wherein recording medium is a random access memory, and address indicates a place in memory where video image is recorded (fig. 2) and Anderson discloses a camera (fig. 1).

21. **Claim 27** is rejected for the same reason as discussed in the corresponding claims 1 and 5 above.

22. Regarding claim 28, Anderson discloses the camera wherein metadata processor generates sample images in accordance with a compression encoding process such as the Joint Photographic Experts Group compression encoding process (col. 6 lines 10-15)

23. **Claim 29** is rejected for the same reason as discussed in the corresponding claim 6 above.

24. Meta data **claims 31, 32** are rejected for the same reason as discussed in the corresponding video claims 16, 17 respectively above.

25. **Claims 36, 40, 41** are rejected for the same reason as discussed in the corresponding claim 31 above.

26. **Claim 37** is rejected for the same reason as discussed in the corresponding claims 1, 3, and 5 above.

27. Method **claim 38** is rejected for the same reason as discussed in the corresponding video generation claim 17 above.

28. Regarding **claim 57**, Nakatani discloses a computer readable medium having a computer program (fig. 17 (1)) recorded thereon, the computer program having computer executable instruction, which when loaded on to a data processor configures data processor to operate as an audio and/or video generation apparatus.

29. Regarding **claim 58**, Nakatani discloses a computer readable medium having a computer program (fig. 17 (1)) recorded thereon, the computer program having computer executable instructions, which when loaded on to a data processor causes the processor to operate in accordance with the method according to claim 13.

30. **Claims 66-68, 72** are rejected for the same reason as discussed in the corresponding claim 57 above.

31. Regarding **claim 81**, Anderson disclose the camera wherein list of takes includes a list of descriptions of contents describing the media data signals to recorded (fig. 10, col. 8 lines 35-col. 9 lines 60)

32. **Claim 82** is rejected for the same reason as discussed in the corresponding claim 81 above.

33. **Claim 83** is rejected for the same reason as discussed in the corresponding claim 81 above.

34. **Claim 84** is rejected for the same reason as discussed in the corresponding claim 81 above.

35. **Claim 85** is rejected for the same reason as discussed in the corresponding claim 81 above.

36. **Claim 86** is rejected for the same reason as discussed in the corresponding claim 81 above.

37. **Claims 7, 30** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,330,392 by Nakatani et al. and US Patent No. 6,532,039 by Eric Anderson in view of US Patent No. 5,052,040 by Preston et al.

38. Regarding **claim 7**, Nakatani discloses unique identification code, Anderson discloses camera but fail to disclose unique identification code includes a UMID.

Preston discloses unique identification code includes a UMID (Fig. 4, Col. 5 lines 6-16).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have UMID for metadata. UMID will be convenient for the user to use while watching recorded program.

39. **Claim 30** is rejected for the same reason as discussed in the corresponding claim 7 above.

40. Claims 18-21, 33-35, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,330,392 by Nakatani et al. and US Patent No. 6,532,039 by Eric Anderson in view of US Patent No. 6,766,098 by McGee et al.

41. Regarding **claim 18**, Nakatani discloses metadata generation processor is configured to generate a plurality sample images, each of which is representative of a video image from recorded video signals (col. 57 lines 22-27, col. 74 lines 56-61), Anderson discloses a camera (fig. 1) but Nakatani and Anderson fail to disclose activity detector.

McGee discloses activity detector to detect scene change (Col. 5 line 25-33, 50-60)

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have activity detector for arranging operation of receiving information to let viewer know what changes made.

42. Regarding **claim 19**, McGee discloses an apparatus wherein activity detector generates activity signal by forming a histogram of color components of video image and determining a rate of change of color components (Col. 5 line 25-33, 50-60), Anderson discloses a camera (fig. 1)

43. Regarding **claim 20**, McGee discloses an apparatus wherein activity detector generates activity signal by from motion vectors of image components of video image signal (Col. 6 lines 56-Col.7 lines 16) and Anderson discloses a camera (fig. 1).

44. Regarding **claim 21**, Nakatani discloses an apparatus a display processor which is arranged in operation to provide a visible representation of sample images (col. 57 lines 22-27, col. 74 lines 56-61) and Anderson discloses a camera (fig. 1).

45. Metadata **claims 33, 34** are rejected for the same reason as discussed in the corresponding video claims 18, 19 respectively above.

46. **Claim 35** is rejected for the same reason as discussed in the corresponding claim 20 above.

47. **Claim 39** is rejected for the same reason as discussed in the corresponding claims 18 above.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIGAR CHOWDHURY whose telephone number is (571)272-8890. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Art Unit: 2621

NC

01/01/2009

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621